



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0007

Introduced 2/4/2013, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

ILCON Art. VI, Sec. 8
ILCON Art. VI, Sec. 11
ILCON Art. VI, Sec. 12

Proposes to amend the Judiciary Article of the Illinois Constitution relating to the eligibility to be elected or appointed as a Judge or Associate Judge in a county with a population of 3,000,000 or more. Provides that in order to be eligible for election or appointment as a Judge or Associate Judge after the adoption of the Amendment, the person must have actively practiced law in the State for at least 10 years before his or her election or appointment as a Judge or Associate Judge and his or her license to practice law in the State must not have been suspended or revoked for disciplinary reasons by the Supreme Court. Provides that in order to be eligible for election or retention as a Judge, or appointment or reappointment as an Associate Judge, after the adoption of the Amendment, the person must have been certified as qualified to be a Judge or Associate Judge by at least 5 members of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. Provides that the certification is for 2 years and the person is subject to recertification if the person meets the requirements. Provides that the retention of an elected Judge requires a two-thirds vote (currently three-fifths). Provides that before a candidate for Judge is eligible to circulate petitions or be placed on the ballot for nomination, election or retention as a Supreme, Appellate and Circuit Judge, he or she must be certified as qualified to hold the office of Judge by the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. Effective upon adoption and applies only to persons seeking election or appointment as a Judge or Associate Judge after the adoption of the Amendment.

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to amend Sections 8, 11, and 12
9 of Article VI of the Illinois Constitution as follows:

10 ARTICLE VI
11 THE JUDICIARY

12 (ILCON Art. VI, Sec. 8)

13 SECTION 8. ASSOCIATE JUDGES

14 (a) Each Circuit Court shall have such number of Associate
15 Judges as provided by law. Associate Judges shall be appointed
16 by the Circuit Judges in each circuit as the Supreme Court
17 shall provide by rule. In the First Judicial District, unless
18 otherwise provided by law, at least one-fourth of the Associate
19 Judges shall be appointed from, and reside, outside Chicago.
20 The Supreme Court shall provide by rule for matters to be
21 assigned to Associate Judges.

22 (b) In a county with a population of 3,000,000 or more, a
23 person shall not be appointed or reappointed as an Associate

1 Judge after the adoption of this Amendment unless he or she has
2 been certified as qualified by the Attorney Registration and
3 Disciplinary Commission of the Supreme Court of Illinois as
4 provided in Section 11 of this Article.

5 (Source: Illinois Constitution.)

6 (ILCON Art. VI, Sec. 11)

7 SECTION 11. ELIGIBILITY FOR OFFICE

8 (a) No person shall be eligible to be a Judge or Associate
9 Judge unless he is a United States citizen, a licensed
10 attorney-at-law of this State, and a resident of the unit which
11 selects him. No change in the boundaries of a unit shall affect
12 the tenure in office of a Judge or Associate Judge incumbent at
13 the time of such change.

14 (b) In a county with a population of 3,000,000 or more, a
15 person who is not a Judge or Associate Judge on the date that
16 this Amendment is adopted shall not be eligible to be a Judge
17 or Associate Judge unless he or she has actively practiced law
18 in this State for at least 10 years before his or her election
19 or appointment as a Judge or Associate Judge and his or her
20 license to practice law in this State has not been suspended or
21 revoked for disciplinary reasons by the Supreme Court. A person
22 who is not a Judge or Associate Judge on the date that this
23 Amendment is adopted shall not be eligible to be elected or
24 retained as a Judge, or appointed or reappointed as an
25 Associate Judge, unless the person has been certified as

1 qualified to be a Judge or Associate Judge by at least 5
2 members of the Attorney Registration and Disciplinary
3 Commission of the Supreme Court of Illinois. The certification
4 by the Attorney Registration and Disciplinary Commission of the
5 Supreme Court of Illinois shall be effective for 2 years after
6 it is issued. A person issued certification is eligible for
7 recertification if the requirements of this Section are met.
8 During the evaluation process, the Commission shall consider
9 each candidate's legal experience, skill and knowledge, as well
10 as his or her academic background, personal character,
11 commitment to community service, and professional conduct and
12 temperament. The Commission may consult with the Illinois State
13 Bar Association and other well established local bar
14 associations in evaluating applicants for Judge or Associate
15 Judge. The Commission shall charge an applicant for Judge or
16 Associate Judge a suitable fee, set by the Commission, in an
17 amount necessary to defray all costs incurred by the evaluation
18 process.

19 (Source: Illinois Constitution.)

20 (ILCON Art. VI, Sec. 12)

21 SECTION 12. ELECTION AND RETENTION

22 (a) Supreme, Appellate and Circuit Judges shall be
23 nominated at primary elections or by petition. Judges shall be
24 elected at general or judicial elections as the General
25 Assembly shall provide by law. A person eligible for the office

1 of Judge may cause his name to appear on the ballot as a
2 candidate for Judge at the primary and at the general or
3 judicial elections by submitting petitions. The General
4 Assembly shall prescribe by law the requirements for petitions.

5 (b) The office of a Judge shall be vacant upon his death,
6 resignation, retirement, removal, or upon the conclusion of his
7 term without retention in office. Whenever an additional
8 Appellate or Circuit Judge is authorized by law, the office
9 shall be filled in the manner provided for filling a vacancy in
10 that office.

11 (c) A vacancy occurring in the office of Supreme, Appellate
12 or Circuit Judge shall be filled as the General Assembly may
13 provide by law. In the absence of a law, vacancies may be
14 filled by appointment by the Supreme Court. A person appointed
15 to fill a vacancy 60 or more days prior to the next primary
16 election to nominate Judges shall serve until the vacancy is
17 filled for a term at the next general or judicial election. A
18 person appointed to fill a vacancy less than 60 days prior to
19 the next primary election to nominate Judges shall serve until
20 the vacancy is filled at the second general or judicial
21 election following such appointment.

22 (d) Not less than six months before the general election
23 preceding the expiration of his term of office, a Supreme,
24 Appellate or Circuit Judge who has been elected to that office
25 may file in the office of the Secretary of State a declaration
26 of candidacy to succeed himself. The Secretary of State, not

1 less than 63 days before the election, shall certify the
2 Judge's candidacy to the proper election officials. The names
3 of Judges seeking retention shall be submitted to the electors,
4 separately and without party designation, on the sole question
5 whether each Judge shall be retained in office for another
6 term. The retention elections shall be conducted at general
7 elections in the appropriate Judicial District, for Supreme and
8 Appellate Judges, and in the circuit for Circuit Judges. The
9 affirmative vote of two-thirds ~~three-fifths~~ of the electors
10 voting on the question shall elect the Judge to the office for
11 a term commencing on the first Monday in December following his
12 election.

13 (e) A law reducing the number of Appellate or Circuit
14 Judges shall be without prejudice to the right of the Judges
15 affected to seek retention in office. A reduction shall become
16 effective when a vacancy occurs in the affected unit.

17 (f) After the adoption of this Amendment, before a
18 candidate for Judge is eligible to circulate petitions or be
19 placed on the ballot for nomination, election or retention as a
20 Supreme, Appellate and Circuit Judge in a county with a
21 population of 3,000,000 or more, he or she must be certified as
22 qualified to hold the office of Judge by the Attorney
23 Registration and Disciplinary Commission of the Supreme Court
24 of Illinois as provided in Section 11 of this Article VI.

25 (Source: Illinois Constitution.)

1 SCHEDULE

2 This Constitutional Amendment takes effect upon being
3 declared adopted in accordance with Section 7 of the Illinois
4 Constitutional Amendment Act and applies only to persons
5 seeking election or appointment as a Judge or Associate Judge
6 after the adoption of this Amendment.